



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



SUMMARY MINUTES – SEPTEMBER 3, 2008

OPEN SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

MEMBERS PRESENT:

Sean Harrigan, President
Richard Costigan, Vice President
Maeley Tom, Member
Anne Sheehan, Member
Pat Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER

- Suzanne M. Ambrose

- SPB has advertised for the Legislative Director position. Carol Ong has been filling in as the Legislative Director during the interim period, but will now be concentrating on the 21st Century Project and HR MOD. SPB is looking for a permanent replacement for the Legislative Director.
- The Fiscal office is continuing to report on requests from the Governor's office and Agency with respect to the impact of the Executive Order.
- On October 1st SPB will be holding a Symposium for hiring persons with disabilities. Phyllis Cheng (Department of Fair Employment and Housing), Anthony "Tony" Sauer (Department of Rehabilitation), and Suzanne Ambrose will all be presenting at the Symposium encouraging more hiring of persons with disabilities.
- SPB has a new Administrative Law Judge, Jim Sobolewski.
- Administrative Law Judge, Byron Berry will be retiring as of October 1, 2008.

3. REPORT OF THE ACTING CHIEF COUNSEL

- Bruce Monfross

- In the matter of Chiang v. Schwarzenegger: This case is in the process of being removed to federal court. There is still a hearing scheduled for September 12, 2008 in the Sacramento Superior Court. There are also proceedings pending in the Sacramento Superior Court regarding whether this and up to three other cases (including Walker v. Schwarzenegger, in which SPB is a party), should be consolidated. SPB counsel will continue to monitor all the cases.
- Lee Kendrick – SPB's Precedential decision was overturned by a writ of mandate issued by the Los Angeles County Superior Court. Staff has been notified that the Union has appealed the matter to the 2nd District Court of Appeal.
- Plata v. Schwarzenegger – The Federal District Court issued an order approving the Receiver's proposal for an alternative process for

handling physician discipline cases. The court ordered the SPB and the Receiver to meet and confer over the implementation plan, and to submit a joint report to the court by September 15, 2008. Staff understands that the Executive Office and Appeals Division are working with the Office of the Receiver to prepare the implementation and report to the court.

- Department of Industrial Relations v. SPB/Garau – The Department of Industrial Relations (DIR) has filed a petition for writ of mandate against the Board; Ms. Garau filed a cross petition and a petition against the Board. Staff filed a demurrer against all petitions and the Court granted SPB's demurrer and dismissed all petitions. Staff has just been informed that DIR has filed a request for a Stay of Enforcement of the Board's decision while Ms. Garau has filed an appeal to the 2nd District Court of Appeal concerning the Superior Court's prior decisions in the matter. In the interim, since no stay has been issued, the back pay hearing regarding this matter is still scheduled.

4. REPORT ON LEGISLATION

- Carol Ong

- **SB 1472**, SPB's bill on CEAs was amended on August 15, 2008, to clarify "final compensation" language for legislative and exempt employees. The bill passed out of the Senate on August 28 on a 34-0 vote and is now enrolled. Agency has requested an enrolled bill report.
- **SB 1505**, relating to the streamlining of the Whistleblower Protection Act, passed out of the Senate on August 19, 2008, on a 25-14 vote, and is now enrolled.
- Agency has requested an enrolled bill report on **SB 364** relating to personal privacy information and providing adequate and specific notification to a consumer.
- **AB 2753**, relating to "social workers" and title protection, was placed in the Senate's inactive file on August 30, 2008.

5. REPORT ON THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

- Anne Sheehan

- CalPERS reported their year end total fund of approximately \$239 billion.
- Despite many years of having double digit returns, there was a negative rate of return this year of -2.41%.
- CalPERS has begun the search for a new Chief Investment Officer.
- CalPERS adopted the policy on infrastructure investing in the new inflation-linked asset class, so they will be moving forward to set up the investments and infrastructure.

- Open enrollment forms are now available for CalPERS. CalPERS worked to keep the rate increases as low as possible and a few funds received a rate decrease.

6. REPORT ON THE RESULTS OF THE PRE-HEARING/SETTLEMENT CONFERENCE PILOT PROJECT

- Paul Ramsey, Chief Administrative Law Judge

- Staff met with various Unions, DPA and other State Departments to examine how Appeals handles their evidentiary hearings in order to improve their process and customer service. Part of the results of these meetings was to create a pre-hearing/settlement conference pilot.
- The goal of the pilot was to see if the Appeals Division could move more cases through in a shorter period of time.
- If the cases could not be resolved through the pre-hearing/settlement conferences, the Appeals Division would then set the case for hearing. In addition, the entire case would be heard at once, as opposed to scheduling it over the span of several months.
- Staff notified the various Unions, DPA and other State Departments in July regarding the plans for these pre-hearing/settlement conferences so they would be prepared for the notices being distributed to the litigants through the mail.
- Staff began with existing cases, focusing primarily on the cases in the Northern California and Sacramento region.
- Staff conducted a total of 198 pre-hearing/settlement conferences; of the 198, 123 cases settled, resulting in a 62% settlement rate. The goal of the program was to have a 50% settlement rate. The last 75 cases were set for hearing.
- Staff developed an assessment form for the parties and representatives that rate the pre-hearing/settlement conference process as well as the assigned ALJs. It also includes an area for comments. Staff has made modifications to the process based on these assessments.
- Out of the 46 assessments received from the parties and representatives, the following information was obtained: On a scale 1-5, 5 being highest, the pre-hearing/settlement conferences pilot received a rating on 4.5. The ALJs received a rating of 4.6. The comments on the assessment were positive and constructive.
- The pilot working group will meet on September 12, 2008, to discuss complaints and concerns that occurred in the process, and to how to start implementing the pre-hearing/settlement conference process starting in January 2009.
- The Chief ALJ and Presiding ALJ have put a general proposal together in which one week per month all of the ALJs will travel, to

conduct these pre-hearing/settlement conferences in the various regions throughout California so that all regions are served. The Division hopes to retain 150 of the matters through this process and to have a 50% settlement rate.

- The problem that arises is the Appeals Division has only 10 ALJs to hear cases, but is receiving approximately 200 evidentiary cases per month. While this pilot program greatly improves the efficiency of the Appeals Division, there is still a personnel shortage.

7. INFORMATIONAL BRIEFING – AN OVERVIEW OF THE EEO ACADEMY OFFERED BY THE SPB STATEWIDE TRAINING PROGRAM

- Sue Williams, Statewide Training Manager
- Christina Lopez, Civil Rights Manager

- SPB recognized the need to develop a comprehensive training program that would meet the needs of individuals working in the Equal Employment Opportunity (EEO) field.
- While SPB Statewide Training offered some training in this area, the training was limited in its subject matter and did not provide a complete training program for those employed in this field.
- In the Fall of 2007, SPB staff partnered with the California Civil Rights Officers Council (CCROC) and assembled a work group to develop an EEO Training Academy.
- The work group developed a comprehensive training program designed to instruct all levels of individuals working in the field of EEO.
- SPB staff presented the EEO Training Academy and is confident it will meet the expectations and needs of all individuals working in the field.
- The Academy classes will help both those in the EEO field as well as those who plan to enter it. SPB staff believes that graduates of the Academy will be more successful in their jobs as EEO Officers, Investigators, Analysts, Counselors, and Reasonable Accommodation Coordinators.
- Staff used an inclusive process to develop the curriculum for the Academy and the EEO workgroup provided recommendations for the specific requirements for each track and the 12 classes.
- The Department of Rehabilitation teaches three of the classes. For these three, the workgroup information allowed DOR to design the classes to meet the needs of the attendees. For the other 9 classes, SPB used the 'Request for Offer' process and went out for 9 competitive bids. Based on this competitive process, SPB selected 3 great vendors to design and teach courses that will meet the needs of Academy attendees.

- To recognize the value of successfully completing the Academy, participants will receive an award of completion.
- SPB Staff believes that those who graduate from the Academy will have the necessary skills to help ensure that State employees are able to work in an environment free of harassment and discrimination.

8. INFORMATIONAL BRIEFING – CEA TASK FORCE

- Mike Strazzo, Merit Operations Division

Staff provided an update on the activities of the CEA Task Force.

The CEA Task Force team has met the following short term goals:

- Process CEA requests promptly within SPB's CEA and Board Item Unit – previously CEAs were approved within 3 months of submission; now the average processing time is 30 days.
- Streamlined the CEA request and review process by implementing a new CEA Request Form on a pilot basis –*combining the justification memo, key position description and SPB's CEA review template.*
- Invited 16 departments to participate in a Pilot CEA process to test the form and conducted a pilot kick-off meeting on May 1, 2008.
- Created a CEA Request e-mail mailboxes at SPB and DPA
- Created a CEA Pilot departments survey.
- Based on the positive responses from the pilot departments, it is anticipated the new process will be implemented statewide by the end of October 2008.
- Supported CEA legislation sponsored by SPB – SB 1472. This bill would allow prior State employees, who had permanent status and former legislative and nonelected exempt employees with at least 2 years of consecutive service to apply for and compete in CEA examinations.

Future activities for the CEA Task Force include:

- Create a web-enabled version of the new CEA Position Request Form.
- Revise the DPA Classification and Pay Manual and CEA instructions.
- Explore legislation for outside recruitment/appointments to CEA positions.
- Explore delegating CEA approvals to departments.

**9. INFORMATIONAL BRIEFING – STAFF SERVICES ANALYST
(GENERAL) HIRING STATISTICS**

- Mike Strazzo, Merit Operations Division

Staff provided a brief update to the five-member Board and interested parties on the number of hires made from the new SSA exam and list implemented July 1, 2007, as compared to the SSA hires made in the prior fiscal year.

10. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR SEPTEMBER 23, 2008, IN SACRAMENTO, CALIFORNIA.

NONE

11. NEW BUSINESS

NONE

12. HEARING – CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

PERSONS PARTICIPATING:

- Chila Silva-Martin, State Personnel Board Representative
- Department of Corrections and Rehabilitation Representative
- AFSCME Representative
- CAMFT Representative
- AAMFT Representative
- Board of Behavioral Sciences Representative

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

ACTION: SUBMITTED

13. ORAL ARGUMENT

In the matter of **CASE NO. 07-4470A**. Appeal from 22 working days suspension. Correctional Officer. Department of Corrections and Rehabilitation.

ACTION: WITHDRAWN

14. ORAL ARGUMENT

In the matter of **CASE NO. 07-2581A**. Appeal from rejection during probation. Correctional Officer Cadet. Department of Corrections and Rehabilitation.

ACTION: SUBMITTED

15. ORAL ARGUMENT

In the matter of **CASE NO. 07-1295A**. Appeal from dismissal. Fire Apparatus Engineer-Paramedic. Department of Forestry and Fire Protection.

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD & LUNCH

16. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]

17. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653]

18. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

CCPOA and SEIU Local 1000, et al. v. Arnold Schwarzenegger, et al.
(2008) 77 Cal.Rptr. 3d 844, File No. 033740

Yvonne Walker, Service Employees International Union, Local 1000 v. Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

19. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.
[Government Code section 18653]

20. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653]

21. EMPLOYEE PERSONNEL MATTER

Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

22. ORAL ARGUMENT

In the matter of **CASE NO. 07-2966EA**. Appeal from denial of discrimination complaint. Environmental Planner (Natural Sciences). Department of Transportation.

ACTION: SUBMITTED

23. ORAL ARGUMENT

In the matter of **PSC NO. 08-09**. Appeal by the Board of Chiropractic Examiners from the Executive Officer's April 15, 2008, Decision Disapproving a Personal Services Contract for Information Technology Services.

ACTION: WITHDRAWN

CLOSED SESSION OF THE STATE PERSONNEL BOARD

24. DELIBERATION ON AGENDA ITEMS 22 AND 23

ORAL ARGUMENT, CASE NO. 07-2966EA and ORAL ARGUMENT, PSC NO. 08-09

25. DELIBERATION ON REMAINING AGENDA ITEMS 12 THROUGH 21, NOT PREVIOUSLY DISCUSSED IN FIRST CLOSED SESSION.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

26. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE JULY 22 AND AUGUST 8, 2008, BOARD MEETINGS.

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

27. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

28. SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

A. PERSONAL SERVICES CONTRACT NO. 08-03

Appeal by the Union of American Physicians & Dentists from Executive Officer's February 4, 2008, Decision approving six Personal Services Contracts for Psychiatric Services (Ratification of Board's vote on 6/10/08).

ACTION: The Board formally adopted its decision remanding the case for hearing with an Administrative Law Judge.

B. PERSONAL SERVICES CONTRACT NO. 08-04

Appeal of the California State Prison Medical Care System Receiver from the Executive Officer's February 14, 2008, disapproval of six personal services contracts for recreation and occupational therapist services.

ACTION: The Board issued a decision approving all six personal services contracts.

C. PERSONAL SERVICES CONTRACT NO. 08-06

Appeal of the Department of Health Care Services and the Department of Public Health from the Executive Officer's March 3, 2008, disapproval of contract for technical and consulting services.

ACTION: The Board issued a decision to adopt the Executive Officer's decision disapproving the contract for technical and consulting services.

D. DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

Staff from PECO requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PECO and CalTrans Director Wil Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.

NO ACTION

29. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES

On September 3, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

A. BOARD CASES SUBMITTED

(1) CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected March 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument heard July 8, 2008, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 07-2189A

Appeal from non-punitive termination

Classification: Vocational Instructor (Welding),
Correctional Facility.

Department: Department of Corrections and
Rehabilitation

Proposed decision rejected March 4, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument set for August 8, 2008, Sacramento.

No oral argument held. Case to be decided by written
argument only.

Case ready for decision by FULL Board.

**ACTION: The Board issued a non-precedential decision
sustaining the Appellant's non-punitive termination.**

B. ORAL ARGUMENTS

- (1) **CASE NO. 07-4470A**
Appeal from 22 working days suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: WITHDRAWN: Parties have entered into a settlement agreement.
- (2) **CASE NO. 07-2581A**
Appeal from rejection during probation
Classification: Correctional Officer Cadet
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED
- (3) **CASE NO. 07-1295A**
Appeal from dismissal
Classification: Fire Apparatus Engineer-Paramedic
Department: Department of Forestry and Fire Protection
ACTION: SUBMITTED
- (4) **CASE NO. 07-2966EA**
Appeal from denial of discrimination
Classification: Environmental Planner (Natural Sciences)
Department: Department of Transportation
ACTION: SUBMITTED
- (5) **PSC NO. 08-09**
Appeal from Executive Officer's disapproval of a Personal Services Contract for Information Technology Services
Union: Service Employees International Union Local 1000
Department: Board of Chiropractic Examiners
ACTION: WITHDRAWN

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

- (1) **CASE NO. 00-1274**
Appeal from dismissal
Classification: Corporations Counsel
Department: Department of Corporations
ACTION: The Board adopted the resolution readopting its prior decision in part and modifying Appellant's dismissal to official reprimand.

(2) **CASE NO. 04-2810**

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Request for an Order to Show Cause

ACTION: The Board adopted the resolution denying Appellant's request for an Order to Show Cause.

D. **ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS**

PROPOSED DECISIONS AFTER HEARING

(1) **CASE NO. 07-1494**

Appeal from dismissal

Classification: Caltrans Equipment Operator I

Department: Department of Transportation

ACTION: The Board adopted the ALJ's Proposed Decision.

(2) **CASE NO. 07- 2868**

Appeal from five percent reduction in salary for 15 pay periods

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision, however modified the penalty to a 5% reduction in salary for 6 months.

(3) **CASE NO. 07-4991**

Appeal from dismissal

Classification: Parole Agent I

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision.

(4) **CASE NO. 07-2896**

Appeal from 48 workday suspension

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision.

- (5) **CASE NO. 07-3262**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (6) **CASE NO. 07-2883**
Appeal from ten percent reduction in salary for 12 months
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (7) **CASE NO. 06-3687**
Appeal for a merit issue complaint
Classification: Senior Vocational Rehabilitation Counselor
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (8) **CASE NO. 06-4213**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (9) **CASE NO. 07-0083**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision, except for that portion of that decision that cites Precedential Decision 03-07 and the standard cited by the ALJ under Government Code Section 3304, finding instead that the correct citation is to the standard set forth in Precedential Decision 08-02.

- (10) **CASE NO. 06-3357E**
Appeal from denial of reasonable accommodation complaint
Classification: Principal Transportation Engineer, CT
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (11) **CASE NO. 07-4173**
Appeal from rejection during probation
Classification: Psychiatric Technician
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (12) **CASE NO. 07-2881**
Appeal from 60 working days suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (13) **CASE NO. 07-3759**
Appeal from rejection during probation
Classification: Psychiatric Technician
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (14) **CASE NO. 07-4238**
Appeal from five days suspension
Classification: Supervising Investigator I
Department: Department of Motor Vehicles
ACTION: The Board adopted the ALJ's Proposed Decision.
- (15) **CASE NO. 07-2611**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

- (1) CASE NO. 06-2289NP**
Appeal from denial for a request to file charges
Classification: Fire Apparatus Engineer (Paramedic)
Department: Department of Forestry and Fire Protection
ACTION: DENIED
- (2) CASE NO. 05-3515PA**
Appeal from rejection during probation
Classification: Deputy Attorney, Caltrans
Department: Department of Transportation
ACTION: DENIED
- (3) CASE NO. 07-1570P**
Appeal from 10 percent reduction in salary for seven pay periods
Classification: Teacher (High School-Arts and Crafts, Correctional Facility)
Department: Department of Corrections and Rehabilitation
ACTION: DENIED
- (4) CASE NO. 07-1557P**
Appeal from dismissal
Classification: Motor Vehicle Technician
Department: Department of Motor Vehicles
ACTION: DENIED
- (5) CASE NO. 07-1204P**
Appeal from 30 work days' suspension
Classification: Parole Administrator I
Department: Department of Corrections and Rehabilitation
ACTION: DENIED

F. PENDING BOARD REVIEW

- (1) CASE NO. 06-2706A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Proposed decision rejected December 4, 2007.
Transcript prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
- (2) CASE NO. 04-1782A**
Appeal from constructive medical suspension
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
Proposed decision rejected June 24, 2008.
Transcripts prepared.
Oral argument set for October 3, 2008, Sacramento.
- (3) CASE NO. 06-2737PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 22, 2008.
Transcripts prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
- (4) CASE NO. 07-4470A**
Appeal from twenty-two working days suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Proposed decision rejected May 13, 2008.
Transcripts prepared.
Oral argument set for September 3, 2008, Sacramento.

- (5) **CASE NO. 07-2581A**
Appeal from rejection during probation
Classification: Correctional Officer Cadet
Department: Department of Corrections and Rehabilitation
Proposed decision rejected on May 13, 2008.
Transcripts prepared.
Oral argument set for September 3, 2008, Sacramento.
- (6) **CASE NO. 07-1295A**
Appeal from dismissal
Classification: Fire Apparatus Engineer-Paramedic
Department: Department of Forestry and Protection
Proposed decision rejected on May 13, 2008.
Transcripts prepared.
Oral argument set for September 3, 2008, Sacramento.
- (7) **CASE NO. 07-2966EA**
Appeal from discrimination complaint
Classification: Environmental Planner
Department: Department of Transportation
Proposed decision rejected May 13, 2008.
Transcripts prepared.
Oral argument set for September 3, 2008, Sacramento.

30. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY CASES

On September 3, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

A. WITHHOLD APPEALS

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-4011N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: GRANTED

- (2) **CASE NO. 06-4096N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DENIED
- (3) **CASE NO. 07-1028N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (4) **CASE NO. 06-3115N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (5) **CASE NO. 06-4110N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (6) **CASE NO. 07-2839N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: GRANTED
- (7) **CASE NO. 07-1829N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: GRANTED
- (8) **CASE NO. 07-0971N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (9) **CASE NO. 06-3895N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED

- (10) CASE NO. 06-4113N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (11) CASE NO. 06-3437N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DENIED
- (12) CASE NO. 06-3886N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (13) CASE NO. 06-4179N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DENIED
- (14) CASE NO. 06-3663N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: GRANTED
- (15) CASE NO. 06-3786N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (16) CASE NO. 06-4106N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (17) CASE NO. 06-3760N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

CASES HEARD BY A STAFF HEARING OFFICER

- (1) CASE NO. 06-2003N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DENIED
- (2) CASE NO. 07-1038N**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
ACTION: DENIED
- (3) CASE NO. 06-4248N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DENIED
- (4) CASE NO. 07-1561N**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
ACTION: DENIED

DISMISSED CASES

- (1) CASE NO. 08-0687N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DISMISSED

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

- (1) **CASE NO. 06-2818N**
Classification: Driver Safety Officer
Department: Department of Motor Vehicles
ACTION: DENIED

E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING

NONE

31. ANNOUNCEMENT OF ACTION TAKEN ON NON-HEARING AGENDA

On September 3, 2008, the Board took the following action on the items listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

- (1) **ALTERNATE RANGE CRITERIA (ARC) 20, 103, 137, 381, 412**

Proposed revisions to the Alternate Range Criteria for Industrial Relations Representative, ARC 20, Workers' Compensation Assistant, ARC 103, Retirement Program Specialist I, ARC 137, Actuarial Assistant Trainee, CalPERS, ARC 381, and Pension Program Analyst, ARC 412. The revisions are patterned after the recent changes made to Staff Services Analyst (General) Alternate Range Criteria and will allow for the effective recruitment of college graduates.

**(2) CASE RECORDS TECHNICIAN AND SUPERVISING
CASE RECORDS TECHNICIAN, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

Proposed corrections to the Case Records Technician and Supervising Case Records Technician, original board item on the July 8, 2008 SPB Agenda.

**(3) RECEIVER'S CLINICAL EXECUTIVE (SAFETY),
DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

The Department of Corrections and Rehabilitation proposes to establish a new safety classification, Receiver's Clinical Executive (Safety), with a one year probationary period.

**(4) RECEIVER'S PROJECT MANAGER, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation proposes to establish a new classification, Receiver's Project Manager, with a one year probationary period.

ACTION: ADOPTED

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO
INCUMBENTS FOR MORE THAN TWO YEARS.
DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE
APPROPRIATE UNION HAVE NO OBJECTION TO THE
ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND
STATE PERSONNEL BOARD** proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

Title	Class Code
Agriculture Program Supervisor II (Market News)	1650
Education Project Specialist III –Various Projects-	2646
Education Project Specialist II –Various Projects-	2651
Field Representative, School Administration (Supervisory)	2585

Mobilehome Registration Supervisor I	8945
Program Director –Mental Disabilities Programs-	8269
Program Assistant –Mental Disabilities Programs-	8267
Associate Programmer Analyst (Supervisor)	1580
Senior Marketing Specialist	0212
Chief Administrative Law Judge, Department of Health Services	6132
Systems Software Specialist I (Supervisory)	1588
Window Cleaner Supervisor	2036
Senior Transportation Rate Expert	4522

ACTION: ADOPTED

32. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) PRIVACY AND SECURITY OFFICER

The California Public Employees' Retirement System (CalPERS) proposes to allocate the above position to the CEA category. The Privacy and Security Officer will have responsibility for overseeing the development, implementation, and management of the CalPERS Enterprise Privacy Protection and Security Program.

(2) CHIEF E-HEALTH STANDARDS BRANCH

The California Health and Human Services Agency proposes to allocate the above position to the CEA category. The Chief E-Health and Human Services Agency will have responsibility to formulate, analyze, revise, interpret and evaluate program and fiscal policy as they relate to privacy and security standards for the electronic exchange of personal health information and the Health Insurance Portability and Accountability Act (HIPAA). Will provide critical subject matter expertise in the areas of health information privacy and security in the support of the Governor's executive orders regarding health information technology and exchange.

(3) ASSISTANT DIRECTOR, OFFICE OF HEALTH INFORMATION INTEGRITY

The California Health and Human Services Agency proposes to redirect a CEA position from Chief, Health Insurance Portability and Accountability Act (HIPAA) Implementation to Assistant Director of the Office of Health Information Integrity (CalOHII). The proposed position provides both operational and policy direction to the Branch Chiefs of the E-Health Standards and HIPAA Implementation Branches. The position will set statewide policy for the electronic exchange of personal health information.

(4) CHIEF, ADMINISTRATIVE LAW JUDGE

The Department of Alcoholic Beverage Control proposes to allocate the above position to the CEA category. The Chief ALJ will serve in a high administrative and policy influencing capacity with significant responsibility for formulating ABC goals, policies and business objectives as it relates to the administrative hearing process.

(5) DIRECTOR, ADMINISTRATIVE SUPPORT

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will have responsibility and full accountability for all administrative support functions and staff including fiscal and budgets, contracts, procurement, business services and health care data and provider services. This position is charged with creating and managing an organizational structure and policies and protocols that facilitate the accomplishment of the Receiver's goals and objectives as outlined in his Turnaround Plan of Action.

(6) UNDERSECRETARY, CORRECTIONS SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will have responsibility and full accountability for all custody related activities in the Receiver's seven new health care facilities. This position is charged with creating and managing an organizational structure with new policies and protocols to carry out the Receiver's objectives as outlined in his Turnaround Plan of Action.

(7) ACTIVATION TEAM SUPERINTENDENT OF CORRECTIONS SERVICES (7 POSITIONS)

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above seven positions to the CEA category. These positions will have responsibility and full accountability for all facility-specific activation related activities at one of the Receiver's seven new health care facilities and eventually, will be considered to serve as the permanent Superintendent of that facility. This position is charged with creating and managing an organizational structure with new policies and protocols to carry out the Receiver's objectives as described in his Turnaround Plan of Action. Upon activation, it is anticipated that this position will serve as the principal policy maker and program chief for all activities in the new facility.

(8) CHIEF, ENTERPRISE ARCHITECTURE AND CHANGE MANAGEMENT

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position provides leadership, guidance, and strategic direction to staff, serves as the principal policymaker with regard to the development, implementation, and on-going support and maintenance of information technology staffing, enterprise architecture, strategic plan, change management strategies and planning, and governance.

(9) DIRECTOR, REHABILITATION SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will have responsibility and full accountability for all security

services in the Receiver's seven new health care facilities and eventually, in the new agency, California Prison Health Care Services. This position is charged with creating and managing an organizational structure with new policies and protocols to carry out the Receiver's objectives as outlined in his Turnaround Plan of Action.

(10) DIRECTOR, SECURITY SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will have responsibility and full accountability for all rehabilitative services in the Receiver's seven new health care facilities and eventually, in the new agency, California Prison Health Care Services. This position is charged with creating and managing an organizational structure with new policies and protocols to carry out the Receiver's objectives as outlined in his Turnaround Plan of Action.

(11) DIRECTOR, CLASSIFICATION AND CASE RECORDS SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will have responsibility and full accountability for all classification and case records services in the Receiver's seven new health care facilities and eventually, in the new agency, California Prison Health Care Services. This position is charged with creating and managing an organizational structure with new policies and protocols to carry out the Receiver's objectives as outlined in his Turnaround Plan of Action.

ACTION: NOTED

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) CHIEF, INTERNAL AUDITS

The California Department of Public Health's request to allocate the above position was approved effective July 23, 2008.

(2) DEPUTY COMPTROLLER

The California Housing Finance Agency's request to allocate the above position was approved effective July 23, 2008.

(3) DEPUTY COMPTROLLER

The California Housing Finance Agency's request to allocate the above position was approved effective July 23, 2008.

(4) DIRECTOR OF FISCAL OPERATIONS

The California Department of Food and Agriculture's request to allocate the above position was approved effective July 23, 2008.

(5) CHIEF, INVESTIGATIONS BRANCH

The California Department of Social Service's request to allocate the above position was approved effective July 23, 2008.

(6) CHIEF, DIVISION OF ENTERPRISE

The Department of Transportation's request to allocate the above position was approved effective August 8, 2008.

(7) DEPUTY DIRECTOR, FACILITY MANAGEMENT

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective August 8, 2008.

(8) DEPUTY DIRECTOR, SUPPORT OPERATIONS

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective August 8, 2008.

(9) DEPUTY DIRECTOR, TRANSITION PLANNING

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective August 8, 2008.

(10) DEPUTY DIRECTOR, INFORMATION TECHNOLOGY

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective August 8, 2008.

(11) DEPUTY DIRECTOR, HUMAN RESOURCES

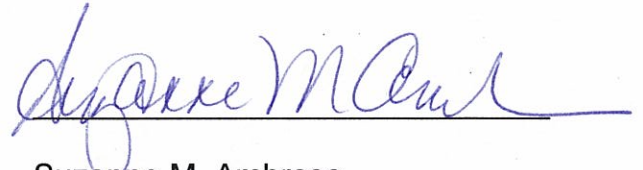
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective August 8, 2008.

ACTION: NOTED

A D J O U R N M E N T

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on October 3, 2008.

VOTE: Costigan, Sheehan, Clarey – Aye



Suzanne M. Ambrose
Executive Officer
California State Personnel Board